

from: Callk: 38

A true

Will^m Bakeman
Middletown 18

CONFUTATION 1824

Of a

Fals and scandalous Pamphlet, entituled,

The true state of the Case of

Sir John Gell,

of Hopton, in Co. Derby, Bart.

Lately published to deceiv the People,

and to smother Sir John Gell's Confederacie with

Colonel Andrews and others, under Oath of

Secrecie, to destroe the present

GOVERNMENT.

Or a sober VINDICATION of the

COUNCIL of STATE, and High Court

of JUSTICE from the impudent aspersions

of that PAMPHLET.

Published to undeceiv all the well-affected of this

COMMON-WEALTH.

By John Bernard Gent. Captain of a Troop of Horse
in the Service of the Parliament.

L O N D O N,

Printed by Will. Du-Gard. 1650.

1871

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THe *Pamphlet* wee have to deal with, is a
 vafrous piece, made up of divers sorts of
 Scandals (of things and persons) som
 pointing dire&lie at the present Go-
 vernment, others in a more oblique line. And som
 are the scandals of persons, to leav an *odinum* upon
 particular men. Wee think not to cut our waie
 through the whole Pamphlet, or follow as it lead's
 to everie particular page. The chief strength and
 substance of the whole lie's in the two first pages,
 wherein the Pamphletier pretend's to give a true
 ground, or *state of the Case of Sir John Gel*. And here
 wee shall laie our batteries, and put it to the issue
 in this short *Answer*, whether the Man in this great
 undertaking deale's indeed trulie, or but prevari-
 cate's. The *Argument*, as hee call's it, or *Conclusion*
 contein's the results upon the whole, and his illa-
 tions and inferences, which must needs bee fals
 from fals premises. And it is too great a conces-
 sion in anie wise man to argue with his Antagonist
 (otherwise then *πειρασικῶς*) upon a fals principle. It
 is to invert the true rules of Logick, and change
 all into fallacies. Allow this, and the Sophister
 will conclude the day to bee night, and truth error,
 and light darkness, and turn the honestest man li-
 ving with his heels upwards, and conclude him a
 verie knave. I have (the better to enable the Rea-

der to a true judgment of the thing in question
'twixt mee and the Pamphletier) distinguish'd the
things contain'd in the two first pages with a lesser
Character, and the Answer with a greater.

Pamphlet. *That John Bernard, with one Pits (by
the name of Smith) desired Mr Andrews to join with
them in a plot, to surprise the Isle of Ely.*

Answer. It is an ill Omen, when the man stumble's
at the threshold, and offend's against the truth at the
first setting out. In his Pamphlet hee saye's, that
Lievt. Pit desired Mr Andrews to join in a plot &c. It
is appeal'd to Mr Andrews himself, who in his own
Narrative sent by himself to the Council of State,
and now remaining with the High Court of Justice,
saie's expresse, that Lieutenant Pit (whom hee
call's there by the name of Smith) was an absolute
stranger to him (the said Andrews) till the 18. of
March 49, which was (but) 6 or 7 daies before Mr
Andrew's apprehension at Gravesend.

And for that of *John Bernard's* beeing charg'd by
the Pamphletier to invite Master Andrews to the
plot &c. If Master Andrews affirm's, and *John Ber-
nard* denie's, and leav the plot where hee found it
first, to wit, with Master Andrews, wee shall expect
so much justice from the un-prejudic'd stander by,
as to credit rather *John Bernard* (a friend) denying
upon his oath, then Master Andrews (an Enemy)
affirming on his bare word.

Pam. *That Andrews was thought to bee somewhat
inclinable thereunto: Bernard com's to the Lord Pre-
sident Bradshaw, and acquaint's him with it.*

Ans. That Master Andrews was thought &c. by
this

this Pamphletier's leav, it is (more then thought) known, acknowledg'd by Master Andrews himself in the fore-mention'd Narrative, that the plot to surprize the Isle of Ely was a brat begot of his own brain in the year -44. Master Andrew's own words are--- *A design in the time of War laid by mee for the taking of the Isle of Ely.* It was M^r Andrew's own plot *ab or o* by his own confession: and however the Pamphletier would dawb it over, and gull the world that M^r Andrews was (but) *thought* to bee somewhat *inclinable thereunto*, yet let M^r Andrew's own hand speak his heart in this matter. They are his verie expressions to a title all of his own hand-writing, and at this daie remaining with the High Court of Justice, viz -- " *I approve the putting of the*
 " *Reformadoes forward to prosecute the getting of their*
 " *arrears out of the fines or forfeitures of persons delin-*
 " *quent, but not that they bee further acquainted*
 " *with the design, then to bee readie in general terms*
 " *when they shall see caus, and the place secure to repair*
 " *to &c. I would that Captain Iohn B. go along with*
 " *mee on Thursdaie next into C. Shire, and receiv sa-*
 " *tisfaction there concerning the design, and to pass to*
 " *Sir I.G. and acquaint him with it, and from him again*
 " *bring to a place which at parting with him I shall agree*
 " *with him upon an assurance how far hee will ingage,*
 " *and how soon bee readie. That don I will post a servant*
 " *over, or go my self and get out Commissions for officers*
 " *General with power to give Commissions to officers in-*
 " *ferior, &c To draw in the Reformadoes, they are to bee*
 " *assur'd to have Commissions answerable to their former*
 " *qualities, and paie as they muster; to which end an*
 " *establi-*

" *Establishment shall bee had* : thus Mr Andrews.
 " And when examin'd upon this paper of his be-
 " fore the Council of State hee confess'd ingenu-
 " ously *that by the design (there) spoken of, was meant*
 " *the surprizal of the Isle of Elie, and by Iohn B. Iohn*
 " *Benson, and that by Sr L. G. was meant Sr Iohn*
 " *Gell, though the Pamphletier would have kept us in*
 " *the dark as to all this, yet wee see Mr Andrews' in*
 " *this far honeste* then the other) deal's more plainly
 " in the matter.

But the Pamphletier (now) venture's (impu-
 dently enough) upon the Lord President Bradshaw,
 and there the Shoo wring's extremely. For no
 fewer then eleven several times hee bring's
 this Honorable and publick Minister of State upon
 the Stage. And the Lord President's crime is, that
 hee entertain'd Mr Bernard's discoverie of a real
 plot to destroie the State. The Man's anger is, not
 that the State is design'd upon by evil and unthank-
 full men; but hee would have them prosper in their
 wickedness, and it offend's (even to rage) that a-
 nie true and faichful patriot should wake and watch
 in the preservation of the Common-wealth, and
 bring to light things that lie hid in darknes; other-
 wise, why not com to the Lord President with
 our honest matters? (such as are discoveries of the
 plots of Knaves upon the State) and why not ac-
 quaint him with them? But the Pamphleter's anger
 is still and his fellows, that there are in the Land,
 Courts of Justice and publick Ministers to punish
 Treasons and Rebellions, and the wicked actings of
 men against the State. It bring's to remembrance

Benson served in the Parliat. Army under Sir a
Iohn Gell; but afterwards came over to the Kings Party,
with Col: Ra. Andrewes, entered into a plan for
the restoration of Charles 2nd: but the scheme being

a pleasant storie of a famous Thief in Queen *Elisabeth's* daies, that Petition'd the Queen for the good behavior against the Lord Chief-Justice *Popham*, becaus hee sought his life in all places, and hee went in danger of him (continually) for his life. May bee wee shall have *Sr John Gell's* friends (such as this Pamphletier and others) Petition for the good behavior against the Council of State and High Court of Justice, becaus in all their treacherous designs upon the State, they go in danger of their lives.

Pam. The Lord President *bid's* Bernard go forward with the plot, as Bernard declare's in Court at the trial of Andrews.

Answ. Not an honest man but will say it was the dutie of the Lord President and Council of State, and their Honor both to intend the good and safetie of the publick, and to that end to *bid* and incourage Bernard to pursue the treacherous plot to a full discoverie. And Bernard declare's (not in Court onely, but) again and again in his Vindication (here) that (besides the Lord President and Council of State) Hee had the incouragement of divers others, friends and true lovers of this Common wealth, to follow close and not give over to found the plot (for it lay deep) to the verie bottom.

Pam. That Bernard did go again with Pitts to Andrews, and told him that if hee would draw an Oath of secrecie and sign and seal the same, then Bernard would help him to 200 l. to bear his charges beyond Sea, to get Commissions to rais men for the effecting the said plot.

frustrated through the treachery of And Bernard. He was tried, found guilty, and suffered death. 7 Oct. 1650 - O. Arnold's Loyal Martyrol. 1665 866.

And that both Bernard and Pitts, did promise to sign and seal the Oath of secrecie likewise.

Answ. That Bernard did go again with Pitts &c. Still the supposition is fall of the acquaintance (to anie proportion of time) betwixt Lievt. Pitts and Master Andrews, when Pitts was not known to him (as before attested from Andrew's own mouth) till within six or seven daies of his apprehension at Gravesend. The other things charged by the Pamphletier, viz. of Bernards helping Andrews to 200 l. and Bernard and Pitts promising to sign the Oath of secrecie, it is referr'd to Bernard's Remonstrance of Sept. 10. now published in print, where 'tis spoken in this particular to full satisfaction.

Pamph. That Andrews beeing in necessitie, upon Bernard's motion did sign and seal the Oath aforesaid.

*Answ. It is the first truth wee have obtain'd of the Pamphletier since wee met, that Andrews sign'd and seal'd the Oath. And becaus the bringing this dark and wicked plot to light is grudg'd at so generally, and the thing christen'd by the Pamphletier (pag. 7.) by the prettie names of *Fantasie*, and *Fiction*, and *Plaie*, I shall present you with the Oath it self, or Ingagement (a true Copie of it *ad verbum*) extracted out of the Original, now with the High Court of Justice, viz.*

*“WE the Subscribers, (having first taken our
“voluntarie oath upon the holie Evangelists, to
“bee true, faithful, and secret each to other, in, and con-
“cerning our subsequent Ingagement; and not to impart
“the same, nor anie the designs whatsoever in order to the*

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“the execution of the same, proposed, and to bee here-
“after enterprized to any person (King Charles and the
“Lord Hopton excepted) but under the like oath of
“secrecie, do solemnly vow and protest in the presence of
“God almighty, That wee will do and use all our possi-
“ble kill and endeavor (though to the hazard of our
“lives and fortunes) to settle and establish Charles the
“second, our rightful and lawfull Prince, in his throne of
“England, against all Rebels, usurpers, or opposers what-
“soever. Signed with our hands, and sealed with our
“seals Decimo Octavo Martii, secundo Caroli se-
“cundi An. Dom. 1649.

This is the Oath or Ingagement *aliàs* the Pamph-
letiers *plaie, phantasie, fiction* to lead in to the plot laid
not so much for the Isle of *Ely*, and *ryn*, and *Yar-*
mouth, as for the ruine of the whole Nation, Par-
liament, Council, Soldierie, Government and all;
and introducing a strange thing, a stranger King
amongst us. It is left to everie man (not poison'd
with this Pamphletiers principles) to make a
judgment of this *oath*, whether persons that can
lodg such vipers in their bosoms, walk wick such
killing daggers in their heads, that meditate nothing
but murders, and the slaughters of the best friends
of this Common-wealth, ought to bee tolerated
with us, and not rather to bee cast forth (at least)
and proscrib'd, both they the wretched Autors
of these things, and all that adhere to them, and
plead for them, though under the most specious

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pretences whatsoëver. But the Pamphletier tell's,
 That *Andrews* his necessitie did provoke to this oath,
 (as if there were a necessitie of doing evil) and that
Bernard wrought upon this necessitie, and mov'd
Andrews to the thing. For the truth of this wee
 shall appeal to no other witness then *Andrews* him-
 self, in his own Narrative sent from the Gatehouf
 to the Council of State. His words are: "About
 "nine a clock of night March 19. 1649. I was sent for
 "by Captain *Ashley* and *Benson* to subscribe the In-
 "gement which *Benson* had ingross'd. Again, in
 "his Examination taken before the Council of
 "State, the said Master *Andrews* confesseth thus
 "expresly: That his hand and seal was to the parchment
 "Engement (then) shew'd to him (which was upon
 "the 19 of March, 1649.) at a cook's shop neer Tower
 "hill, where *Ashley* and *Benson* then also sign'd and
 "seal'd, and all those took the oath of secrecie. Here
 wee finde *Ashley* and *Benson* (by *Andrews*'s own free
 confession) but no *Bernard* moving or inviting (in
 the least) to the Engement." And for *Bernard*'s
 signing this Engement (for oath of secrecie nor
 hee, nor Lieut. *Pitts* did ever enter into) hee refer's
 to his Remonstrance of Sept. 10. 1650.

Pamph. That *Bernard* and *Smith* did sign and seal
 the oath also.

Ans^w. And for this likewise wee refer to our
 Remonstrance above mentioned.

Pamp. Then *Bernard* desir'd *Andrews* to write a
 Letter to som persons of note to subscribe the oath. *And-*
rews

drews thereupon write's a Letter directed to Sir Iohn Baronet.

Ans. Andrews himself saie's otherwise, that not at the request or instigation of *Bernard*, but hee wrote his Letter to *Sir Iohn Gell* upon a Letter hee receiv'd from *Benson* to invite to that purpose. This Master *Andrews* confesseth at large in his own Narrative sent from the Gate-hous (besides *Benson's* confession, now upon record, of the verie same thing.) Moreover, *Andrews* saith in that verie Narrative that the Letter here directed to *Sir Iohn Baronet* (with a blank, hee intended it verilie to *Sir Iohn Gell*, onely left out the name *Gell* for a blind in case of surprisal. Here *Andrews* himself speak's his own sens in his own words. -- "*Hee wrote a Letter from New Inne at Gravesend to Sir Iohn Gell which hee sent by Mr Bernard, and that hee believe's the paper now subscribed by the now Examiners directed for Sir Iohn (with a blank) Baronet is a true copie thereof; and that the Blank was intended for Gell, which was so advised, lest the Letter should bee surprised. All this is confessed by Andrews himself in his examination taken before the Council of State; besides that hee saie's in his Narrative (to the very same purpose) sent from the Gate-hous.*

Pam. That assoon as this was don, Bernard had officers readie, seized on Andrews for High Treason, and then bring's the Letter directed to Sir Iohn Baronet to the Lord President Brashaw.

Ans^w. The man is wide of the thing, and (still) report's falslie. *Bernard* had not officers readie, nor was *Andrews* seized upon as soon as hee had finished his letter to Sir *John Gell*; for the letter was wrott on Friday, March 22. 49. And *Andrews* not seiz'd on till the Mundaie following. But it still troubles the Pamphletiers spirit, that *Bernard* should carrie Letter, directed to Sir *John Baronet*, to the Lord President *Bradshaw*. So then if it can bee made appear that *Bernard* did not carrie this Letter to the Lord President (as indeed hee did not) wee hope this will cure him, of his evil spirit; Trulie no, the Man's design is upon the Lord President still, and hee care's not who scape, so his venomous pen fasten's there. But admit the Letter had been carri'd to the Lord President (as it was not, but presented to the Council of State by the hand of Master *Legate*.) Surelie the inference must bee an argument of the care and watchfulness of the Lord President, and his faithfulness to his trust, to discover enemies, and secure friends, and seek the welfare of a poor Nation.

Pam. That the Lord President kept the Letter, and let's *Bernard* and *Pits* have a copie of it.

Ans. In this the Pamphletier speak's most impudentlie falslie -- that the Lord President kept the Letter; for the Lord President did not keep the Letter; nor had *Bernard* and *Pits* a copie of it. This is the verie truth, and to give undoubted witness to it, call forth Master *Andrews* (once more) to repeat his examination

mination taken before the Council of State; his confession is thus to a syllable, viz. "*That hee wrote a Letter from New Inne at Gravesend to Sir Iohn Gell which hee sent by Master Bernard; and that hee beleeve's, the paper now subscribed by the Examiners directed for Sir Iohn (with a blank) Baronet is a true copie thereof, and that the blanck was intended for Gell; which was so advised least the Letter should bee surpriz'd.*"

In this verie confession wee have a candle of Master *Andrew's*'s own lighting, to discover whether the Letter (shewed to him by the Council of State at the time of his Examination) was the original Letter hee writ from *Gravesend* to Sir *Iohn Gell*, or (but) a copie of it. Master *Andrew's*'s Answer in the Case is most positive, and without the least hesitation, to wit, that hee believ's that the Paper shewed to him by the Council of State, directed for Sir *Iohn* (with a blank Baronet) is a true *Copie* thereof. If a true *Copie*, then not the *Original*, as is most falsly, and with malice enough, charged upon the Lord President, to wit, that hee kept the original Letter in his own hand, and deliver'd *Bernard* (but) a *Copie* to carrie to Sir *Iohn Gell*, when *Andrew's* himself confesse's the clean contrarie, viz. That the Letter shew'd to him by the Council of State was the same (indeed) for matter with that hee wrote to Sir *Iohn Gell*, but not the same original and numerical Letter. Master *Andrews* himself, in the presence of manie Honorable witnesses, ac-

knowledging it no more then a Copie. Now if the Pamphletier still hold's of the minde that the Original Letter (for all this) is with the Council of State, or with the Lord President, Master *Andrews* (his friend) tell's him to his face hee speak's falsely, there's no *original* Letter there, nothing but a *Copie*. Or if Sir *John Gell* can tell tidings of this Letter (so much controverted) (and such a thing hee did insinuate to the High Court at his Trial) hee should do well to produce it; but this is one of Sir *John Gell's* tricks of *Legerdemain* and his complices, to saie and unfaie, to boast of great matters, but *nascitur mus*. If Sir *John* know's of this Letter, as hee would make all men believ, let him bring it forth that wee maie believ him at least in this, to bee no hypocrite and Impostor.

Pamph. *That Bernard and Pitts bring's the Copie, as they saie, to Sir John Gell.*

Ans. Surely this man will never speak true again: twice Master *Andrews* hath told him (if hee can believ a man of his own Religion) that the Copie of the Letter was left with the Council of State, and yet (*nolit velit veritas*) hee will have *Bernard* and *Pitts* bring this Copie (not the Original, but) the Copie of it to Sir *John Gell*. Besides hee tell's in his Pamphlet, *that Bernard and Pitts brought the Copie (as they saie.)* Who will believ this man, if ever hee should speak true again, that drive's a full trade of verie tales. *Bernard and Pitts brought the copie to Sir John Gell, there's one; and they saie*
so

so, there's another. I think 'twere good this same copie of Master Andrews's Letter were hang'd up in Westminster Hall amongst the Scotch Clouts, to convince this Pamphletier and all his fellow infidels, thar there it is.

Pamph. *That Bernard and Pitts both saie, Sir John Gell did refuse to act in the same plot, and so burnt the Letter.*

Ans^r. *Bernard and Pitts saie still (even what this Pamphletier please's) but it will prove a question shortly, how Sir Iohn Gell, upon the deliverie of the Letter to him, should (all) on the sudden refuse to act in a plot hee had waded in som moneths with so much zeal. Let Andrews bee heard speak to clear the thing, the verie words in his own Narrative sent from the Gatehouse, are these, viz. "About
" the midst of December 49. I was invited to give
" Sr Iohn Gell a meeting, and amongst other discourses,
" Sr Iohn Gell did take notice of his irrequitall for his
" service and his losses, and the misapplication of his
" and other's services to an end they intended not, and
" that bee desired to bee so understood, and when oppor-
" tunitie should bee, to bee so represented to the Prince,
" and did intimate, that if ever hee took up arms again, it
" should bee for the Prince, and at severall other subse-
" quent meetings the discourses were general, and much
" to this purpose.*

And again in Mr Andrews's examination taken by the Council of State, hee confesseth verie distinctly thus, viz. that Sr John Gell complained, hee
" had

"had not his pay, nor was consider'd for his service, and
 "that hee intended not the end that was now brought a-
 "bout, and desired to bee so understood by the King;
 "And that the Examinant, upon opportunitie, should so
 "represent it, and his willingness to do the King service.
 Mr Andrews saith further in the same Examination,
 "that Sr John Gell had twice or thrice in March last
 "bespoken him to beget a good opinion of him in the
 "King; And was not satisfied in the waite hee had taken
 "formerly, and that hee was sorrie for what hee had don
 "against his Father, and if the King should hear hee
 "was in arms, it should bee upon his score. One thing
 "more yet Mr Andrews's will tell us concerning
 "this matter of Sr John Gell's refusing to act in the
 "plot, how unlikely it is. The words in Mr An-
 "drews's own Narrative sent from the Gate house
 "are these to a tittle, viz. Wednesday 20. March
 "last I wrote to Sr John Gell to meet mee at dinner, hee
 "promised to come, but came not, and sent his man to ex-
 "cuse him and defray the charge, and that afternoon I
 "saw him by chance, and hee told mee that hee had not
 "subscribed, nor would, but what hee had said to mee as
 "touching his realitie to the Prince, I might inge my
 "self for. Now put all altogether, and then let mee
 ask the Pamphletier what hee thinke's of Sr John
 Gell's refusing to act in Andrews's plot and the rest of
 them: and whether hee believe's it (still) in
 truth that Bernard and Pits did ever utter such a
 thing.

Pains. That the Letter was brought to Sr John Gell

as Bernard and Pitts on a Saterdaie night after ten of the Clock.

Answ. It is acknowledged that Bernard and Capt. Pitts did bring Andrews's letter (writ at Gravesend) to Sr Iohn Gell, to his lodging (then) in the Sanctuary Westminster, and did present the said Letter to Sr Iohn Gell's own hands about eight (not ten) a Clock, Saterdaie night : and what will the Pamphletier infer hence ?

Pam. Hear himself. that Mr Spittlehouse a Messenger, had a warrant the next morning early (beeing the Lords daie) to apprehend Sr Iohn Gell ; All this of this libeller is verie fall : for neither had Mr Spittlehouse a Warrant the next morning early (beeing the Lords daie), nor indeed had anie Warrant at all (first or last) to apprehend Sir Iohn Gell. True it is Sir Iohn Gell was apprehended by Warrant from the Council of State, but the Pamphletier, for haste, mistake's the Name, mistake's the daie; the Warrant was not drawn up till Mundaie morning, March 25. 49. And then directed to Captain Thornton, and yet not executed by him (neither) till one or two a Clock that daie.

Pam. That it doe's clearly appear that the Lord President was privie to all these proceedings.

An. This ignorant & malicious Pamphletier must konw (unless hee and the rest of them will bee ignorant & blinde for all the light) that it is most consistent with the dutie of all publick Ministers of State to bee privie to the treasonable plots, and
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practices of wicked men against the State, such as this of *Andrews* and Sir *Iohn Gell*, and the others of that confederacie. And wee hope it will ope the the Eie of Autoritie wider, and call to more jealousie and watchfulness, when the loof pen of everie vile Pamphletier shall dare to arraign even Justice it self, and the publick Administrators of it at the bar of Traitors.

FINIS.

